

REMARKS

Claims 43, and 46-69 are pending in the instant application. Claims 46-47 and 49-67 have been canceled to pursue certain embodiments of the invention, simplify the issues, and to expedite prosecution by presenting the case for allowance under 37 CFR §1.116(a) without prejudice to the prosecution thereof in a subsequent application. Claims 68 and 69 were amended so that they would not depend from a canceled claim to present the case for allowance under 37 CFR §1.116(a). Dependent claims 70-74 (depending from instant claims 68 and 69) were added to provide claims commensurate with the scope of the invention and to present the case for allowance under 37 CFR §1.116(a). The amendments and added claims are supported in the specification, particularly in the amended claims (e.g., claims 62-63 and 65-67), Examples, original claims, and throughout the specification (e.g., see page 13, lines 18-30) original claim 37; Example 7, page 50-52; Example 13 page 59-61, particularly page 60, lines 3-5, and lines 30-31). No new matter was added by these amendments. These amendments present the case for allowance under 37 CFR §1.116(a).

A. Rejections Addressed from November 26, 2004 Office Action (OA)

(1) Rejection of claims 61-66 under 35 U.S.C. § 102(a), (b) and (e)

Claims 61-66 were rejected under 35 U.S.C. §102(a), (b) and (e) as being anticipated by Lok, et al., (US Patent No. 5,965,704, October 12, 1999, filed August 5, 1997). (OA, p.2). As claims 61-66 were canceled, this rejection is moot as applied thereto. Consequently, the rejection under 35 U.S.C. §102(a), (b), and (e) should be properly withdrawn.

(4) Rejection of claims 46-60 under 35 U.S.C. § 112, first paragraph (Enablement)

Claims 46-60 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. (OA, p. 4). As claims 46-47, and 49-60 were canceled, this rejection is moot as applied thereto. Applicant respectfully traverses this rejection as applied to claim 48, which depends from allowed claim 43.

The persuasive argument surrounding the allowed independent claim 43 was presented in Applicants response dated September 3, 2004 to the Office Action of March 4, 2004

(both of record) and resulted in the Office's removal of the enablement rejection thereto. Such argument applies to claim 48, which depends from claim 43. Hence, the Applicant believes the Office may have mistakenly included it in the instant rejection, and respectfully requests that the rejection of dependent claim 48, be properly withdrawn.

For the reasons of record in Applicants response to the response dated September 3, 2004, the instant specification provides sufficient disclosure and guidance for one of skill in the art to make and use the polypeptides of the present invention without undue experimentation, which is all the enablement requirement of 35 USC §112, first paragraph, requires. Consequently, Applicant respectfully requests that the rejection of dependent claim 48, be properly withdrawn.

B. Objections Addressed from November 26, 2004 Office Action (OA)

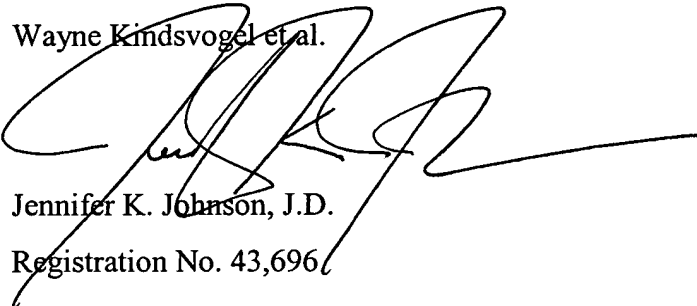
(1) Objection of claims 68 and 69 as depending from a rejected base claim

Claims 68 and 69 were objected to as depending from a rejected base claim. (OA, p. .5). The Office instructs that they would be allowable if rewritten in independent format including the limitations of the base claim. Applicant has amended the claims to independent format as requested. Consequently, this objection should be properly withdrawn.

Early reconsideration and allowance of the pending claims is respectfully requested. If the Patent Examiner believes that a telephone interview would expedite prosecution of this patent application, please call the undersigned at (206) 442-6676.

Respectfully Submitted,

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Enclosures:

Amendment Fee Transmittal (in duplicate)

Petition and Fee for 3 Month Extension of Time (in duplicate)

Notice of Appeal

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